

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

<b>WALTER GUY,</b>	§	
<b>Plaintiff,</b>	§	
<b>vs.</b>	§	<b>C.A. NO. C-07-473</b>
	§	
<b>P.A. BRIONES, ET AL.,</b>	§	
<b>Defendant.</b>	§	

**MEMORANDUM OPINION AND ORDER STRIKING PLAINTIFF'S  
MOTION FOR PRODUCTION OF DOCUMENTS**

Plaintiff is a former inmate at the Nueces County Jail. Proceeding *pro se* and *in forma pauperis*, plaintiff alleged in his complaint that, while incarcerated at the jail on a parole violation, defendants/Nueces County jail officials and medical personnel were deliberately indifferent to his serious medical needs. Following an evidentiary hearing, all claims except for plaintiff's claims against Nurse Jennings and Sgt. Cavazos were dismissed (D.E. 27). Pending is plaintiff's motion for production of documents (D.E. 36).

Plaintiff's motion does not contain a certificate of service, and nowhere in his motion does he state that he mailed a copy of his pleading to the attorneys for defendants Jennings and Cavazos. According to the Federal Rules of Civil Procedure and the Local Rules for the Southern District of Texas, all pleadings filed with the court must contain a certificate of service describing how and when counsel for the defendants were served with a copy of the pleading. FED. R. CIV. P. 5; LR5.4; LR5.6.

Moreover, discovery and discovery requests are not filed with the court. LR5.5 Plaintiff should send his discovery requests directly to counsel for the opposing parties. If counsel fails to respond to the discovery requests within thirty days, plaintiff may seek an order compelling discovery from the court. FED. R. CIV. P. 34, 37.

Accordingly, the Clerk shall strike plaintiff's motion for production (D.E. 36) from the record. This strike order is entered without prejudice to plaintiff's right to correctly request discovery directly from counsel for the defendants.

ORDERED this 4<sup>th</sup> day of June, 2008.



---

B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE